

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEBORAH KOZUSKO,

Plaintiff,

vs.

C. R. BARD, INC., and BARD  
PERIPHERAL VASCULAR, INC.,

Defendants.

**8:19CV397**

**ORDER**

This matter is before the court on the parties' "Joint Motion to Modify the Scheduling Order," (Filing No. 32). Accordingly,

IT IS ORDERED that the final progression order is extended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference set for December 8, 2020 is cancelled. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **February 16, 2021 at 9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is November 9, 2020. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by November 23, 2020.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):

November 30, 2020.

For the defendant(s): December 29, 2020.

Plaintiff(s)' rebuttal: January 15, 2021.

Defendant(s)' rebuttal: February 16, 2021.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is November 9, 2020. The expert deposition deadline is March 23, 2020.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is April 30, 2021.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is April 30, 2021.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 3rd day of August, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge